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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,153	06/13/2006	Selwyn Vesey Stewart Exler	P71013US0	6579

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EXAMINER

NOVOSAD, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/562,153	Applicant(s) EXLER ET AL.	
	Examiner Christopher J. Novosad	Art Unit 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 and 29-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 and 29-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>032106</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim 28 has been canceled.

Priority

Receipt is acknowledged of papers filed under 35 U.S.C. 119 (a)-(d) based on an application filed in New Zealand on June 23, 2003. Applicants have not complied with the requirements of 37 CFR 1.63(c), since the oath, declaration or application data sheet does not acknowledge the filing of any foreign application. A new oath, declaration or application data sheet is required in the body of which the present application should be identified by application number and filing date. Specifically, the "Priority Claimed" box in the Declaration filed on June 13, 2006 has not been checked.

Claim Objections

Claim 4 is objected to because of the following informalities: In line 4, two commas are present at the end of this line. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-27 and 29-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

In view of the extensive number of indefiniteness problems present in the claims, only some examples of indefiniteness are being given. Applicants must carefully review all the claims to correct all indefiniteness problems.

Some examples include:

Regarding claim 1, lines 1 and 24; claim 2, lines 2 and 23; the phrase "i.e." which means "for example" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

The recitation "hub or bearing ("hub")" in claim 1, line 8; claim 2, line 8; renders the claim indefinite since it is unclear which element is being claimed.

The recitation "other member" in claim 1, line 22; claim 2, line 22; is indefinite since it is unclear as to exactly what the "other member" is supposed to be.

The recitation "comprises or includes" in claim 2, line 5 is indefinite since it is unclear which is intended.

The numerous recitations in parenthesis in claims 3, 4, 12, 18 and 30 render the claims indefinite since it is unclear whether these elements are intended to be claimed or not.

The recitation "and/or" in claim 3, lines 3, 9 and 13; claim 4, line 3, 9 and 13; and in claim 30, line 4 renders the claims indefinite since it is unclear whether or not these elements are supposed to be claimed.

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The recitation "hub or bearing ("bearing")" in claim 3, line 5; claim 4, line 5 renders the claim indefinite since it is unclear which element is being claimed.

In claim 3, line 11, the recitation "it" is indefinite since it is unclear what "it" is supposed to be.

The recitation "other means" in claim 3, line 9; claim 4, line 9; is indefinite since it is unclear as to exactly what the "other means" is supposed to be.

In claims 3 and 4, second to last line, the recitation "they" is indefinite since it is unclear what "they" are supposed to be.

In claim 12, line 1, the recitation "of a kind" is indefinite since it is unclear as to exactly "of a kind" is supposed to be.

Regarding claim 12, lines 2 and 3 the phrase "or the like" renders the claim indefinite because the claim includes elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

In claim 14, line 4, the recitation "largely" is indefinite since this is a relative term and it is unclear as to exactly what is supposed to constitute "largely".

In claim 18, line 2, the recitation "its" is indefinite since it is unclear what "its" is supposed to be.

Regarding claim 30, lines 2 and 3 the phrase "or like" renders the claim indefinite because the claim includes elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

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Claims 29 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Again, in view of the extensive number of indefiniteness problems present in the claims, only some examples of indefiniteness are being given. Applicants must carefully review all the claims (including the dependent claims) to correct all indefiniteness problems.

Allowable Subject Matter

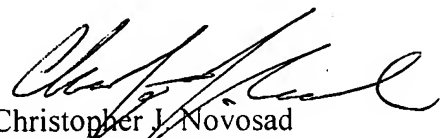
Claims 1-27 and 29-33 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 571-272-6993. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached at 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christopher J. Novosad
Primary Examiner
Art Unit 3641

December 10, 2006